

No. PD-0955-19

TO THE COURT OF CRIMINAL APPEALS

OF THE STATE OF TEXAS

FILED  
COURT OF CRIMINAL APPEALS  
1/8/2020  
DEANA WILLIAMSON, CLERK

JONATHAN WILLIAM DAY  
Appellant

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§  
§  
§

V.

THE STATE OF TEXAS,  
Appellee

**MOTION FOR EXTENSION OF TIME  
TO FILE APPELLANT'S BRIEF**

COMES NOW, JONATHAN WILLIAM DAY, Appellant, by and through his attorney, ROBERT K. GILL, and files this his Motion for Extension of Time to File Appellant's Brief in the above-styled and numbered cause requesting an additional thirty (30) days; and in support of his Motion would show this Honorable Court as follows:

I.

Appellant was charged with the offense of evading arrest in cause number 1498320. His case was assigned to the County Criminal Court No. 1 of Tarrant County, Texas. Appellant was convicted in this case on February 28, 2018. The trial judge assessed Appellant's punishment at confinement in the Tarrant County jail for 220 days. Appellant's conviction was reversed by the First Court of Appeals in cause number 01-18-00289-CR on June 27, 2019. The State of Texas subsequently petitioned for discretionary review.

II.

Pursuant to Rule 70.2 of the Texas Rules of Appellate Procedure Appellant's brief is due to

be filed in this Honorable Court by Monday, January 6, 2020.

Counsel is asking for a thirty (30) day extension in this case because counsel has two other appeal briefs due to be filed within two days of the date that Appellant's brief is due on this case. Counsel has been ordered to file his brief for appellant James Ray Gregory, (cause numbers 02-19-00092-CR, 02-19-00093-CR and 02-19-00094-CR) in the Second Court of Appeals by Friday, January 3, 2020. Counsel has been ordered to file his brief for appellant Mario Hernan LopezGamez, cause number 02-19-00169-CR, in the Second Court of Appeals by Monday, January 6, 2020. Counsel has previously received an extension from the Second Court in the Gregory and LopezGamez cases and expects to be able to timely file those briefs.

Because of these other briefs and other court business, counsel for Appellant has not been able to devote full time to Appellant's brief in the above-styled and numbered cause. Most of counsel's practice is in Tarrant County, Texas. There are 20 criminal courts in Tarrant County, and they set cases throughout the week for docket call. On average counsel answers dockets five days out of each week, a process which often requires attending court for up to half a day to accomplish the requirements of the court.

Although undersigned counsel has been working diligently to prepare these briefs, trying to file three briefs in two days is an overwhelming task.

#### IV.

Because of above-noted trial and appellate obligations and the day to day operations of running a law practice, counsel for Appellant requests this extension of time for thirty (30) days not for purposes of delay but because it is necessary to render Appellant his constitutionally mandated effective assistance of counsel pursuant to the Sixth and Fourteenth Amendments to the U.S.

Constitution and Art. 1, Sec. 9 of the Texas Constitution.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully prays that this Honorable Court grant his Motion for Extension of Time to File Appellant's brief in the above styled and numbered cause for thirty (30) days and extend the deadline for filing Appellant's brief to Wednesday, February 5, 2020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bob Gill", is written over a horizontal line.

BOB GILL  
S.B.O.T. No. 07921600

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**ATTORNEY FOR APPELLANT**

CERTIFICATE OF CONFERENCE

On January 3, 2020, a conference was held on the merits of this Motion with Ms. Emily Johnson-Liu with the State Prosecuting Attorney's Office and Mr. David Richards with the Appellate Division of the Tarrant County Criminal District Attorney's Office, who had no opposition to Appellant's Motion for Extension of Time to File Appellant's Brief requesting an additional thirty (30) days.

  
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ROBERT K. GILL

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was served via E-FILE TEXAS COURTS to the Tarrant County Criminal District Attorney's Office, Tim Curry Criminal Justice Center, 401 West Belknap, Fort Worth, Texas, on January 3, 2020 at [COAAppellateAlerts@tarrantcountytexas.gov] and to Emily Johnson-Liu, Assistant State Prosecuting Attorney at information@spa.texas.gov.

  
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ROBERT K. GILL